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Patents
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 7913ZY

Anticipated Classification
of this Application:

Class Subclass

Prior Application:

Serial No.: 07/580,246

Examiner: S. Kalinchak

Art Unit: 1103

Assistant Commissioner for Patents
Washington, DC 20231

TRANSMITTAL OF FILING UNDER 37 C.F.R. §1.60

Sir:

This is a request for filing a

☒ continuation ☐ divisional

application under 37 C.F.R. §1.60 of pending prior application

Serial No. 07/580,246, filed on September 10, 1990

of Donald R. Huffman et al.

for FORM OF CARBON

1. Prior Application

I hereby verify that the attached papers are a true
copy of what is shown in my records to be the above-identified
prior application, including the declaration or oath as
originally filed (37 C.F.R. §1.60).

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" mailing label number: TB526783246US
Date of Deposit: June 7, 1995

I hereby certify that this correspondence is being
deposited with the United States Postal Service "Express Mail
Post Office to Addressee" services under 37 C.F.R. §1.10 on the
date indicated above and is addressed to: Assistant
Commissioner for Patents, Washington, DC 20231.

Dated: June 7, 1995

Lillian Smith

The copy of the papers of the prior application as filed which are attached are as follows:

- ☒ 19 page(s) of specification
- ☒ 4 page(s) of claims
- ☐ — page(s) of abstract
- ☒ 4 page(s) of drawing
- ☒ 2 page(s) of declaration and power of attorney

If the copy of the declaration being filed does not show applicant's signature, indicate thereon that it was signed and complete the following:

- ☐ in accordance with the indication required by 37 C.F.R. §1.60(b), my records reflect that the original signed declaration showing applicant's signature was filed on _____.

☐ the amendment referred to in the declaration filed to complete the prior application and I hereby state, in accordance with the requirements of 37 C.F.R. §1.60(b), that this amendment did not introduce new matter therein.

2. Amendments

- ☒ Cancel in this application original Claims

2-44

of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

- ☒ A preliminary amendment is attached. Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.

3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered), it may be desirable to file a petition for suspension of prosecution for the time necessary).

☐ There is provided herewith a Petition to Suspend Prosecution for the Time Necessary to File an Amendment (New Application File Concurrently).

4. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS FILED				
	Number Filed	Number Extra	Rate	Basic Fee \$730.00
Total Claims	1	- 20 = 0	x \$ 22.00	0
Independent Claims	1	- 3 = 0	x \$ 76.00	0
Multiple Dependent Claim(s), if any,			\$240.00	

☐ Fee for extra claims is not being paid at this time.

Filing fee calculation \$ 730.00

5. Small Entity Status

☒ A verified statement that this filing is by a small entity

☒ is attached

☒ has been filed in the parent application and such status is still proper and desired (37 C.F.R. §1.28(a))

Filing fee calculation (50% of above) \$ 365.00

NOTE: Any excess of the full fee paid will be refunded if a verified statement under §1.27 and a request for refund are filed within 2 months of the date of timely payment of a full fee. 37 C.F.R. §1.28(a).

NOTE: 37 C.F.R. §1.28(a), last sentence states: "Applications filed under §1.60 or §1.62 of this part must include a reference to a verified statement in a parent application if status as a small entity is still proper and desired."

6. Fee Payment Being Made at This Time

Not Enclosed

- ☐ No filing fee is submitted. This and the surcharge required by 37 C.F.R. §1.16(e) can be paid subsequently.

Enclosed

☐ Filing Fee \$ _____

7. Method of Payment of Fees

- ☐ Attached is a check in the amount of \$ _____
- ☒ Charge Deposit Account No. 19-3886 in the amount of \$ 365.00. A duplicate copy of this sheet is attached.

8. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper to Deposit Account No. 19-3886. A duplicate copy of this sheet is attached.
- ☒ 37 C.F.R. §1.16 (filing fees and presentation of extra claims)
- ☒ 37 C.F.R. §1.17 (application processing fees)

9. Drawings

- a. ☐ Transfer the drawings for the prior application to this application and, subject to Item 16 below, abandon said prior application as of the filing date accorded this application. A duplicate copy

of this request is enclosed for filing in the prior application. (May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record authorized by 37 C.F.R. §1.138 and before payment of the issue fee.)

- b. ☒ New drawings are enclosed
☐ formal
☒ informal

10. Priority - 35 U.S.C. §119

☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.

☐ The certified copy has been filed on _____ in prior U.S. application Serial No. _____, which prior application was filed on _____.

☐ The certified copy will follow.

11. Relate Back - 35 U.S.C. §120

Amend the specification by inserting before the first line, the sentence:

"This is a ☒ continuation ☐ divisional of copending application

☒ Serial No. 07/580,246, filed on September 10, 1990
which is a continuation-in-part of U.S.S.N. 575,254, filed on August 30, 1990.

12. Inventorship Statement

NOTE: If the continuation or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation or divisional application. 37 C.F.R. §1.60(b) [emphasis added].

With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120, the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application, and it is requested that the following inventor(s) identified above for the prior application be deleted:

(Type name(s) of inventor(s) to be deleted)

13. Assignment

☒ The prior application is assigned of record to

Research Corporation Technologies, Inc.;

assignments recorded in PTO on December 31, 1990

at Reel 5569, Frame 0850 and on October 24, 1991

at Reel 5580, Frame 0321.

14. Power of Attorney

☒ The power of attorney in the prior application is to

Frank S. DiGiglio

Attorney

31,346

Registration No.

- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear on the original papers, a copy of the power in the prior application is attached.
- c. ☐ A new power has been executed and is attached.

d. ☒ Address all future correspondence to

Leopold Presser, Esq.
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

(516) 742-4343

15. Maintenance of Copendency of Prior Application

☐ A petition and fee have been filed to extend the
term in the pending prior application until

_____.

☐ A copy of the petition for extension of time in
the prior application is attached.


16. Abandonment of Prior Application (if applicable)

☐ Please abandon the prior application at a time while
the prior application is pending or when the petition
for extension of time or to revive in that application
is granted and when this application is granted a
filing date so as to make this application copending
with said prior application. At the same time please
add the words "now abandoned" to the amendment to the
specification set forth in Item 11 above.

I hereby declare further that all statements made
herein of my own knowledge are true and that all statements made
on information and belief are believed to be true; and further
that these statements were made with the knowledge that willful
false statements and the like so made are punishable by fine or
imprisonment, or both, under Section 1001 of Title 18 of the

Unites States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: June 7, 1995


Frank S. DiGiglio
Registration No. 31,346

P.O. Address of signatory:

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4343

☒ Attorney or agent of record

☐ Filed under Rule 34(a)

Form PTO 1083

Case Docket No. 7913ZY

In re application of Donald R. Huffman et al.
 Serial No.: Unassigned
 Filed: Herewith
 For: FORM OF CARBON

Assistant Commissioner for Patents
 Washington, DC 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ Small entity status of this application under 37 C.F.R. §§1.9 and 1.27 has been established by a verified statement previously submitted.
☐ A verified statement to establish small entity status under 37 C.F.R. §§1.9 and 1.27 is enclosed.
☐ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	Rate	Addit. Fee
TOTAL	* 44	** 20	= 24	x 11	\$ 264	x 22	\$
INDEP	* 28	*** 3	= 25	x 38	\$ 950	x 76	\$
<input type="checkbox"/> First Presentation of Multiple Dep. Claim				+ 120	\$ 0	+ 240	\$
				Total	\$ 1,214	Total	\$

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Previously Paid For" in this space is less than 20, write "20" in this space.

*** If the "Highest Previously Paid For" in this space is less than 3, write "3" in this space.

The "Highest Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

☒ Please charge Deposit Account No. 19-3886 in the amount of \$ 1,214.00. A duplicate copy of this sheet is attached.

☐ A check in the amount of \$ _____ is attached.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-3886. A duplicate copy of this sheet is attached.

☒ Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 C.F.R. §1.17.

Scully, Scott, Murphy & Presser Respectfully submitted,
 400 Garden City Plaza
 Garden City, NY 11530
 (516) 742-4343

Frank S. DiGiglio
 Reg. No.: 31,346

June 7, 1995
 Date